IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1203 of 2005 (M/B)

Vijay Kumar Madan S/o Shri Saheb Ram Madan
Through his General Power of Attorney
Dr. (Col.) Vinod Kumar Madan S/o Sri Saheb
Ram Madan, R/o Village Majra Pargana Kendriyadun,
Tehsil and District Dehradun …Petitioner

Versus

1. State of Uttaranchal through Secretary,
   Urban Development, Govt. of Uttaranchal
   at Dehradun.
2. Mussoorie –Dehradun Development Authority,
   12, Pritam Raod, Dehradun, Uttaranchal,
   through Secretary.
3. Special Land Acquisition Officer,
   Collctorate Premises, Dehradun …Respondents

…….

Mr. Alok Singh, Senior Advocate, learned counsel for the Petitioner.
Mr. K.P. Upadhyaya, Standing Counsel for the State of Uttaranchal.
Mr. S.Dhulia, Senior Advocate, learned counsel for the M.D.D.A.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Verma, J.

RAJEEV GUPTA, C.J.(Oral)

1. The petitioner has filed this writ petition for the following reliefs:

> "(a-i) To issue writ, order or direction in the nature of certiorari quashing notification no. 1310/V/Sha VA 2004 dated October 04, 2004 under Section 4 read with Section 17 (4) of the Land Acquisition Act after summoning the originals from the respondents.
>
> (a-ii) To issue, writ order, or direction in the nature of certiorari quashing Notification 224/V/Sha V-A/2004-01(LA)/2004, dated Dehradun March 05, 2005 (Annexure No. 6 to the Writ Petition) pertaining to petitioner's land of plot no. 768 (new no. 933 A) of Village Majra, Pargana, Paschim Doon, Tehsil and District Dehradun.
>
> (a-iii) To issue writ, order or direction in the nature of certiorari quashing notice under Section 9(3) of the Land Acquisition Act (Annexure No. 7 to the Writ Petition).
>
> (b) Issue a writ, order or direction in the nature of certiorari to quash the entire acquisition proceedings pending before the

Land Acquisition Officer at Dehradun by calling the records of the petitioner's case.

(c) To issue a writ, order or direction restraining the respondents from interfering with the petitioner's peaceful occupation user and enjoyment of the property and from taking its possession.

(d) Issue any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

(e) Award the cost of the writ petition to the petitioner."

2. Considering the pleadings of the parties and the documents placed before us, we are of the opinion that the petitioner has failed in making out a case warranting grant of the above reliefs.

3. During the course of hearing, we are informed that the petitioner has filed objection vide Annexure 8 addressed to the Special Land Acquisition Officer, Collectorate, Dehradun, Uttaranchal and the same is still pending. If that be true, the third respondent is directed to consider the same the pass appropriate orders in accordance with law expeditiously.

4. With the above observation, the petition stands disposed of.

(P.C. Verma, J.) (Rajeev Gupta, C.J.)

08.02.2006
A